

Mr. President, I am concerned that the labor provisions in these agreements, and other similar provisions relating to environmental protection, will serve as a template for other trade agreements already under discussion. As I see it, the Administration would be making a serious mistake if it uses these provisions as a model for future agreements. I hope that will not happen.

Mr. President, the types of commercial, labor and environmental issues addressed in these agreements are critical to the future of our nation, our economy, and millions of American workers. Yet, again, we are debating these agreements under expedited procedures that allow for every little debate and no amendments. In effect, while jobs continue to be sent abroad and millions struggle unsuccessfully to find work, the American people are being shut out of the process. In my view, that is not the right way to conduct the people's business.

Mr. President, I recognize that these agreements have, in fact been approved. But I would urge my colleagues, before we continue along the same theme path as we develop other similar agreements, let us take a step back and rethink our nation's whole approach to trade. Something is seriously wrong when America is hemorrhaging dollars and hemorrhaging jobs. We need to change course. And continuing blindly with a failed approach would be a dereliction of our responsibility to protect America's economy and America's workers.

I look forward to working with all of my colleagues to address these issues in the months and years ahead.

#### UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2738, an act to implement the United States-Chile Free Trade Agreement.

The legislative clerk read as follows:  
A bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill (H.R. 2738) was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 66, nays 31, as follows:

[Rollcall No. 319 Leg.]

#### YEAS—66

|           |             |             |
|-----------|-------------|-------------|
| Alexander | Daschle     | McCain      |
| Allard    | DeWine      | McConnell   |
| Allen     | Dole        | Mikulski    |
| Baucus    | Durbin      | Miller      |
| Bayh      | Ensign      | Murray      |
| Bennett   | Enzi        | Nelson (FL) |
| Bingaman  | Fitzgerald  | Nelson (NE) |
| Bond      | Frist       | Nickles     |
| Breaux    | Graham (FL) | Pryor       |
| Brownback | Grassley    | Roberts     |
| Bunning   | Gregg       | Santorum    |
| Burns     | Hagel       | Schumer     |
| Campbell  | Hatch       | Sessions    |
| Cantwell  | Hutchison   | Smith (OR)  |
| Carper    | Inhofe      | Snowe       |
| Chafee    | Kyl         | Specter     |
| Clinton   | Landrieu    | Stabenow    |
| Cochran   | Leahy       | Sununu      |
| Coleman   | Levin       | Talent      |
| Collins   | Lincoln     | Thomas      |
| Conrad    | Lott        | Voinovich   |
| Cornyn    | Lugar       | Warner      |

#### NAYS—31

|           |             |             |
|-----------|-------------|-------------|
| Akaka     | Edwards     | Lautenberg  |
| Biden     | Feingold    | Murkowski   |
| Boxer     | Feinstein   | Reed (RI)   |
| Byrd      | Graham (SC) | Reid (NV)   |
| Chambliss | Harkin      | Rockefeller |
| Corzine   | Hollings    | Sarbanes    |
| Craig     | Inouye      | Shelby      |
| Crapo     | Jeffords    | Stevens     |
| Dayton    | Johnson     | Wyden       |
| Dodd      | Kennedy     |             |
| Dorgan    | Kohl        |             |

#### NOT VOTING—3

|          |       |           |
|----------|-------|-----------|
| Domenici | Kerry | Lieberman |
|----------|-------|-----------|

The bill (H.R. 2738) was passed.

Mr. STEVENS. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, today the Senate passed the United States-Chile and the United States-Singapore Free Trade Agreement Implementation Acts. This is the first time in our history that the Senate has approved two free trade agreements in a single day. The fact that we were able to achieve this goal is a testament not only to the high quality of these agreements, but also to the power of Trade Promotion Authority.

It was almost a year ago today that the House and Senate gave final approval to the conference report for the Trade Act of 2002. This historic piece of legislation empowered the President, for the first time in almost a decade, to negotiate free trade agreements utilizing Trade Promotion Authority procedures. Today, with the passage of these two agreements, we are using TPA to take some of our first steps toward re-engaging the world through international trade. It is a welcome development.

International trade has long been one of the most important foreign policy and economic tools in our Nation's arsenal. It was a key component of our post-World War II international economic strategy. For over 50 years international trade contributed to stability and economic growth throughout the world. It helped to lift the nations of Europe and Asia out of the ashes of World War II. And it helped America experience unprecedented prosperity here at home.

International trade can play a similar role at the beginning of the twenty-first century. That is part of what Trade Promotion Authority is all about. Trade Promotion Authority represents a partnership between the executive and legislative branches of government. It provides the President with Congressional support so he can negotiate the best trade agreements for America's workers. It provides certainty to our trading partners that any agreement reached will get timely consideration and will not be ripped apart by the U.S. Congress. In exchange for the authority to negotiate, Congress requires intense consultation and notification procedures. It provides a legislative check on the President's ability to negotiate. And it provides greater certainty to Congress that its intent is being followed. The success of these procedures can be seen by the strong support these two agreements enjoy today.

With our votes today we are locking in two strong trade agreements with our two strongest international trade allies, Chile and Singapore. With the passage of these agreements, we send a strong message to the world that the United States is back in the game.

These bills would not have been possible without the able assistance of many people. First, I want to acknowledge the leadership of President George W. Bush and our United States Trade Representative, Ambassador Robert Zoellick. Their stalwart commitment to expanding export opportunities for America's farmers and workers was a major factor in passing Trade Promotion Authority last year and in concluding these two agreements.

I would also like to take a moment to thank some of those individuals in the Senate who helped to make this historic day possible. First, I want to thank my colleagues on the Finance Committee, especially the Ranking Member, Mr. BAUCUS. Working together, we demonstrated that international trade is not a Republican or a Democratic issue, but rather an issue that works for all Americans.

Next, I would like to thank my Finance Committee staff who has worked hard over the summer to get the implementing bills drafted and the materials ready so that we could consider these agreements before the August recess. It was no easy task, and I appreciate their hard work and dedication.

First and foremost, I want to thank my Chief Counsel and Staff Director, Kolan Davis, whose ability to manage multiple legislative priorities is a key factor to the success of the Finance Committee's work. I also would like to thank my Chief International Trade Counsel, Everett Eissenstat, who successfully coordinated the efforts of the Finance Committee trade staff to enable us to move this legislation quickly. I also want to recognize the rest of my trade team, Carrie Clark, Zach Paulsen, David Johanson, Nova Daly, Stephen Schaefer and Cathy

McKinnell. This group sacrificed many long hours to bring these agreements to fruition. Without their hard work and dedication, our success today would not have been possible.

Mr. BAUCUS had a good staff helping him as well and I would like to take a moment and thank them for their efforts. I thank Senator BAUCUS' Staff Director, Jeff Forbes, and General Counsel, William Dauster. I also appreciate the work of his trade staff led by the Chief International Trade Counsel, Tim Punke, along with Shara Aranoff, John Gilliland, Brian Pomper and Lara Birkes.

A sincere thank you also must be given to Polly Craighill from the office of the Senate Legislative Counsel, for her patience and expertise in drafting this legislation. She is truly a valued part of this institution, and her knowledge of the law and devotion to task is without equal.

We can all be proud of today's accomplishments. I look forward to President Bush signing these two bills into law.

#### TEMPORARY ENTRY PROVISIONS IN THE CHILE AND SINGAPORE FREE TRADE AGREEMENTS

The PRESIDING OFFICER. Under the previous order, S. Res. 211 regarding immigration provisions is agreed to, the preamble is agreed to, and the motions to reconsider are laid on the table, en bloc.

The resolution (S. Res. 211) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 211

Whereas the transmittal of the legislation implementing the Chile and Singapore Free Trade Agreements to the Senate on July 15, 2003, was preceded by debate over whether temporary entry provisions in both the underlying language of the Chile and Singapore Free Trade Agreements and in the implementing legislation should be included;

Whereas article I, section 8, clause 3 of the Constitution authorizes Congress "to regulate Commerce with foreign Nations, and among the several States"; and article I, section 8, clause 4 of the Constitution provides that Congress shall have power to "establish a uniform Rule of Naturalization";

Whereas the Supreme Court has long interpreted these provisions of the Constitution to grant Congress plenary power over immigration policy;

Whereas members of the Senate often disagree about immigration policy, but agree that the formulation of immigration policy belongs to Congress; and

Whereas the practice of negotiating temporary entry provisions in the context of bilateral or multilateral trade agreements curtails the ability of Congress to regulate the Nation's immigration policies, including the admission of foreign nationals: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) trade agreements are not the appropriate vehicle for enacting immigration-related laws or modifying current immigration policy; and

(2) future trade agreements to which the United States is a party and the legislation

implementing the agreements should not contain immigration-related provisions.

The PRESIDING OFFICER. The majority leader is recognized.

#### ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that the pending motion and all amendments be withdrawn and the bill be returned to the calendar; further, that the two scheduled cloture votes be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session and to consecutive votes on the following nominations on today's Executive Calendar: Calendar Nos. 305, 306, 307, 314, and 315. I further ask unanimous consent that following the votes, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President, I would like to inquire of the leader, does that mean we would then have five consecutive votes on the five district judges?

Mr. FRIST. Mr. President, the unanimous consent does mean that we will have five consecutive votes on the district judges.

Mr. LOTT. Mr. President, could I ask unanimous consent that the request be amended to the effect that we have a recorded vote on the first judge and the next four be by voice vote?

Mr. LEAHY. I object.

Mr. LOTT. Could I propose that the request be amended so that we would have a recorded vote on the first three and count that as one, and that the last two be on voice vote?

The PRESIDING OFFICER. Does the majority leader so modify the request?

Mr. LEAHY. Reserving the right to object, could the distinguished Senator from Mississippi, my good friend, repeat that? I am not sure I understood.

Mr. LOTT. I was proposing the first vote would be en bloc on the first three judges and that the final two be by voice vote.

Mr. LEAHY. So the first vote would count for three.

Mr. LOTT. The first vote would count for three.

Mr. LEAHY. I have no objection.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Could I ask if the leader would consider a modification—with apologies to all because I know we would all like to wrap this up—that we

have the first two votes be recorded votes of 10 minutes and the final three be voice votes.

The PRESIDING OFFICER. Does the majority leader so modify his unanimous consent request?

Mr. FRIST. Mr. President, the majority leader does so modify. Calendar No. 305 would be a 10-minute vote; 306 would be a ten-minute vote, and the remaining three, 307, 314, and 315 would be en bloc and a voice vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, Mr. President, I have discussed this with the distinguished Senator from Mississippi. I have not heard any request from any of the members of the Judiciary Committee, chairmen or otherwise, on this. I have heard a number of members on the other side of the Judiciary Committee attack people on this side for not allowing judges to go through. This will make 145 of President Bush's judges going through. I was concerned because we have done so many by voice vote that my friends on the other side of the aisle have been so critical of this side for not allowing judges to go through. They may not have realized they were going through because we have voice-voted so many.

Because my good friend from Mississippi has asked me this as a personal matter, I have no objection to the request of the majority leader.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, once we conclude action on the judges, we will be finished voting for the evening. Those Members who want to speak on the supplemental appropriations bill will have the opportunity to do so. I understand that bill will be passed by voice vote. We will be in session tomorrow to clear any remaining legislative or executive items. Following Friday's session, the Senate will adjourn for the August recess until Tuesday, September 2. No rollcall votes will occur that day, and I will have more to say about the schedule when we return tomorrow.

#### NOMINATION OF JAMES I. COHN TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the nomination of James I. Cohn, of Florida, which the clerk will report.

The legislative clerk read the nomination of James I. Cohn, of Florida, to be a U.S. district judge for the Southern District of Florida.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.